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| 09/656,330 | 09/06/2000 | Kenneth Alan Fischburg | 3594-04 | 9086 |

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McCormick Paulding & Huber LLP
CityPlace II
185 Asylum Street
Hartford, CT 06103-4102

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| EXAMINER |
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THOMPSON JR, FOREST

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| ART UNIT | PAPER NUMBER |
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3625

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/656,330

Applicant(s)

FISCHBURG, KENNETH ALAN

Examiner

Forest Thompson Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-21 have been examined.

Drawings

2. New corrected drawings are required in this application because the drawings enclosed in this application are considered as draft drawings by examiner. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-11 and 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Escallon (U.S. Patent No. 5,799,157), and further in view of Official Notice.

Claims 1, 19, 21: Escallon discloses:

- determining the user's specific procurement process (col. 2 line 3 – col. 3 line 43);
- inputting data indicative of the procurement process of the user into a content database (Abstract; col. 1 lines 7-9);
- hosting a web site operative with the computer program and the content database, the web site being accessible via the Internet through a communications device (Abstract; col. 2 lines 3-28);
- storing an electronic order form in the memory, the order form being unique to the user, and operative with the computer program and the content database, such that the order form lists goods that meet the requirements of the determined procurement process of the user (Abstract; col. 3 lines 21-27; col. 4 lines 15-59);
- using a security protocol for identifying the user in response to the user accessing the web site by providing identification signals thereto unique to the user, the identification signals cooperating with the security protocol ();
- displaying the electronic order form unique to the user as a web page on the web site in response to the identification signals identifying the user; receiving order signals from the user through the communications device indicative of filling in an order on the order form (Abstract; col. 4 lines 15-59); and
- processing the order (Abstract; col. 4 lines 15-59).

Escallon does not explicitly disclose using a security protocol for identifying the user in response to the user accessing the web site by providing identification signals thereto unique to the user, the identification signals cooperating with the security

protocol. However, Official Notice is taken that many on-line service providers have implemented security procedures for the possible reasons of controlling access to their sites, knowing their potential customers, and protecting their site integrity. Therefore, it would have obvious to one skilled in the art at the time the invention was made to modify the disclosure of Escallon to explicitly use a security protocol for identifying the user in response to the user accessing the web site by providing identification signals thereto unique to the user, the identification signals cooperating with the security protocol, as disclosed by old and well known art, for the motivation of ordering goods in a processor based system.

Claims 2, 3, 4: Escallon does not specifically disclose determining further includes inventorying a facility of the user, auditing the user's procurement records, nor querying the user's personnel involved with the procurement process. However, Escallon does disclose:

- the invention novelly provides a system for creating a system for the presentation of information in a relational environment to front end client computers, for selectively viewing, accessing and manipulating such data, and selectively formulating transaction requests based upon such data for transmission to the transaction management system 200 for execution (col. 4 lines 45-51); and
- the use of databases to hold data that is used in the interactive electronic systems to present information and execute transactions (col. 6 lines 3-30).

Additionally, Official Notice is taken that the operation of an on-line service provider that provides procurement/sales services to users includes the requirement that the user's capabilities to deliver orders and the means for accessing, ordering and satisfying the demands of users, as required by each user, must be identified. The success or failure of the on-line service provider is greatly influenced by such capabilities. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Escallon to explicitly inventory a facility of the user, audit the user's procurement records, and query the user's personnel involved with the procurement process, as disclosed by old and well known art, for the motivation of ordering goods in a processor based system.

Claim 5: Escallon discloses developing a flow chart of the steps involved in the user's procurement process (Fig. 2; Fig. 3).

Claim 6: Escallon does not specifically disclose eliminating unrequired steps in the procurement process revealed in the flow chart. However, Official Notice is taken that it was old and well known in the art at the time the invention was made to provide processes that include many steps with some of the steps being optional or not required of a user. The processes would still be operable. Also, the process may be illustrated to the user without the unnecessary steps being illustrated, based on prior data input and options selections by the user. Processes that include such features as decision trees or selections usually include options specific to decision or selection data input,

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while not including features that are not associated with the particular decision or selection data input. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Escallon to explicitly eliminate unrequired steps in the procurement process revealed in the flow chart, as disclosed by old and well known art, for the motivation of ordering goods in a processor based system.

Claims 7, 16: Escallon discloses displaying a web page of the web site indicative of specifications and information of goods accessed from the database (col. 4 lines 15-43).

Claims 8, 17: Escallon discloses displaying a web page of the web site indicative of information on new goods accessed from the database based on a new goods search conducted by the user (col. 4 lines 15-20).

Claim 9: Escallon discloses the user modifying the order form (col. 4 lines 15-43).

Claims 10, 11, 18: Escallon does not specifically disclose subjecting the order to review by a supervisor, nor the supervisor is one of a personnel of the user and a personnel of a provider of the web site. However, Official Notice is taken that supervisors often require that orders be presented to them by employees of a company or service provider for review and approval before being sent out of the organization. This is an aspect of companies or service providers attempting to control budgetary

expenditures and/or to achieve economy of action. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Escallon to explicitly subject the order to review by a supervisor and the supervisor is one of a personnel of the user and a personnel of a provider of the web site, as disclosed by old and well known art, for the motivation of ordering goods in a processor based system.

Claim 15: Claim 15 is written as a method and contains essentially the same limitations as the combination of claims 1-6 above; therefore, the same rejection is applied.

Claim 20: Claim 20 is written as a method and contains essentially the same limitations as the combination of claims 5-6 above; therefore, the same rejection is applied.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Escallon (U.S. Patent No. 5,799,157), and further in view of Official Notice and Blinn et al. (U.S. Patent No. 5,897,622).

Claim 12: Escallon does not explicitly disclose displaying a confirmation message, including a confirmation number. Blinn et al. discloses displaying a confirmation message (col. 8 lines 9- Claim 11; col. 9 lines 24-29). Blinn et al. does not explicitly

disclose including a confirmation number. However, Official Notice is taken that the use of confirmation numbers was old and well known in the art at the time the invention was made. This provided a simple way for an on-line service provider to provide an identification for reference to the user and his order. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Escallon to explicitly display a confirmation message, including a confirmation number, as disclosed by Blinn et al. and old and well known art, for the motivation of ordering goods in a processor based system.

6. Claim 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Escallon (U.S. Patent No. 5,799,157), and further in view of Official Notice and Franklin et al. (U.S. Patent No. 6,125,352).

Claim 13: Escallon does not explicitly disclose at least one of side by side comparisons of a plurality of goods, good prices, features of goods, benefits of goods, applications of goods, information on competitive goods, goods lead times, material safety data sheets of goods, pictures of goods and current procurement data. However, Franklin et al. discloses at least one of side by side comparisons of a plurality of goods, good prices, features of goods, benefits of goods, applications of goods, information on competitive goods, goods lead times, material safety data sheets of goods, pictures of goods and current procurement data (col. 2 line 54 – col. 3 line 22). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify

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the disclosure of Escallon to explicitly disclose at least one of side by side comparisons of a plurality of goods, good prices, features of goods, benefits of goods, applications of goods, information on competitive goods, goods lead times, material safety data sheets of goods, pictures of goods and current procurement data, as disclosed by Franklin et al. and old and well known art, for the motivation of ordering goods in a processor based system.

Claim 14: Escallon does not explicitly disclose the current procurement data further comprises one of a history of ordering and usage, and an accounts receivable summary. However, Franklin et al. discloses the current procurement data further comprises one of a history of ordering and usage, and an accounts receivable summary (col. 14 lines 11-13; col. 21 lines 44-56). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Escallon to explicitly disclose the current procurement data further comprises one of a history of ordering and usage, and an accounts receivable summary, as disclosed by Franklin et al., for the motivation of ordering goods in a processor based system.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art includes:

- Blinn et al. (U.S. Patent No. 5,974,418) which discloses an application, such as an online merchant system, provides a name for a query stored in a database. The


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database accesses the query using the name provided by the application. The database next executes the query to produce an access object having the query results. The application then processes the access object to obtain a selected result. Storing queries in the database provides a level of indirection and flexibility enabling applications to access databases without prior knowledge of their schemas. Thus, applications can access data in a wide variety of existing databases having different schemas and data sub-languages.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson Jr. whose telephone number is (703) 306-5449. The examiner can normally be reached on 6:30-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


F. Thompson
May 1, 2003


Jeffrey A. Smith
Primary Examiner